

REMARKS

This Amendment, submitted in response to the Office Action dated May 5, 2004, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-19 are pending in the present application. Claims 6 and 16 have been objected to, but would be allowed if rewritten in independent form. Claims 1-5 and 8-10 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Murakami (USP 5,912,747). Claims 11-15 and 17-19 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Utagawa et al. (USP 5, 650, 863). Claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Murakami in view of Utagawa.

Rejection of claims 1-5 and 8-10 under § 102(e) as being anticipated by Murakami

As a preliminary matter, Applicant respectfully requests that the Examiner more clearly and particularly identify the aspects of Murakami being cited for teaching the claimed elements. For example, with respect to claim 1, ADF and belt 12 were both cited for teaching a carrier, reference numeral 1 and 2 were both cited for teaching the optical system, and slider 22 and CCD sensor 25 were both cited for teaching a portion of the optical system being movably mounted for movement back and forth along the path of travel. Applicant has interpreted the Examiner's rejection to the best of Applicant's understanding and submits the following in traversal of the rejection.

Claim 1

The Examiner asserts that the ADF of Murakami teaches "a carrier for receiving and supporting an image and conveying the image along a path of travel" as recited in claim 1. ADF

is a mode of feeding a document wherein the original document is automatically fed by an original feed apparatus. See Murakami col. 3, lines 45-48. A mode of feeding a document is not a *carrier* as recited in claim 1. Though the automatic feed uses a belt to place the document on a glass platen, the supporting glass is stationary and does not convey and the revolving belt above the plate does not support the image. This would be apparent to one of ordinary skill in the art.

For the above reasons, claim 1 and its dependent claims should be deemed patentable. Since claim 10 recites similar elements, claim 10 should be deemed patentable for the same reasons.

Claim 2

The Examiner asserts that slider 22 teaches “a drive assembly supporting a portion of the optical system and at least a portion of the line sensor system” as recited in claim 2. However, slider 22 was previously cited for teaching “a portion of the optical system being movably mounted for movement back and forth along the path of travel,” as recited in claim 1. Since the driver assembly is a different structural aspect of an exemplary embodiment of the present invention, from the portion of the optical system being movable mounted, the Examiner has not established where all of the claimed elements, as recited in claim 2, are taught in the art.

Regardless, assuming slider 22 teaches the claimed drive assembly, there is no indication that CCD sensor 25 (line sensor system) is movable. Therefore, Murakawa does not teach “the drive assembly being operable for moving said portion of the optical system and said portion of the line sensor system together back and forth along the path of travel.” For the above reasons, claim 2 should be deemed patentable.

Claim 8

The Examiner asserts that the illuminating lamp 103 of Murakawa teaches a light emitting diode, as recited in claim 8. There is absolutely no indication that illuminating lamp 103 includes a light emitting diode. Therefore, claim 8 should be deemed patentable.

Claim 9

The Examiner cites slider 22 for teaching the light guide of claim 9. However, the Examiner previously cited slider 22 for teaching “a portion of the optical system being movably mounted” as recited in claim 1, and the drive assembly of claim 2. Consequently, the Examiner has again failed to demonstrate where this separate structural feature is taught in the prior art. For at least this reason, claim 9 should be deemed patentable.

Rejection of claims 11-15 and 17-19 under § 102(b) as being anticipated by Utagawa

Claim 11

Applicant has amended claim 11 to include the subject matter of claim 12. Since the subject matter was previously before the Examiner, no new matter has been raised.

Claim 11, as now amended, recites that the sub-scanning section moves at least said line sensor in the sub-scanning direction. The Examiner asserts that line sensor 210 teaches a sub-scanning section that moves the line sensor, citing col. 4, lines 25-30 in support. The respective column and lines cited by the Examiner describe that a lamp 205 and the mirror 206 are mechanically moved at a speed v in a direction referred to as a sub-scanning direction. However, there is no indication that the line sensor 210 itself is moved. The discussion of the line sensor only indicates the orientation for movement of the mirror and lamp. The line sensor does not move. Therefore, a sub-scanning section that moves at least the line sensor in the sub-scanning

direction is not taught in Utagawa. For at least these reasons, claim 11 should be deemed patentable.

Claim 15

Claim 15 recites “a sub-scanning section includes an optical length adjusting section for maintaining an optical path length constant even when the positional relationship between said mirror and said line sensor is changed due to the movement of the mirror.” The Examiner cites col. 4, lines 23-29 for teaching the elements of claim 15. The respective column and lines cited by the Examiner describe that a lamp 205 and the mirror 206 are mechanically moved at a speed v in a direction referred to as a sub-scanning direction. Since the mirror 207 travels at a different speed than mirror 206, it is not clear how any mirror maintains a consistent optical path. There is no indication of an optical length adjusting section for maintaining an optical path length constant. Therefore, claim 15 should be deemed patentable.

Claim 18

Claim 18 recites that the light source is a light emitting diode. The Examiner cites halogen lamp 205 for teaching a light emitting diode. However, a halogen lamp is not a light emitting diode as would be apparent to one of skill in the art. Furthermore, as indicated on page 27, first full paragraph of the specification as originally filed, using an LED as a light source advantageously has a small heating value and a long life span as compared with a halogen lamp. Therefore, a light emitting diode is not disclosed in Utagawa and claim 18 should be deemed patentable.

AMENDMENT UNDER 37 C.F.R. § 1.111
Appln. No.: 09/605,736

Attorney Docket No.: Q59315

***Rejection of claim 7 under § 103(a) as being unpatentable over Murakami in view of
Utagawa***

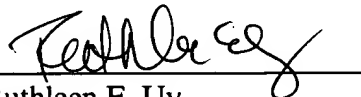
Claim 7 is patentable based on its dependency on claim 1, as Utagawa does not make up for deficiencies of Murakami.

Applicant has added claims 20-25 to provide a more varied scope of protection.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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